IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

Crl.MC.No. 1662 of 2007()

(AGAINST CRIME NO.278/2004 OF AROOR POLICE STATION IN SC NO.772/2005 OF THE DISTRICT COURT, ALAPPUZHA)

PETITIONER/ACCUSED:

RAJESH, S/O.VISWAMBARAN,
AANJILAKKATTIL MOOLAYIL HOUSE, AROOR.

BY ADV. SRI.PRADEESH CHACKO

RESPONDENTS/STATE:

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1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI-31.

2. SUB INSPECTOR OF POLICE,
AROOR POLICE STATION,
AROOR, ALAPPUZHA.

BY PUBLIC PROSECUTOR SRI. JIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 28/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.1662 of 2007

Dated this the 28th day of May, 2007

ORDER

The petitioner faces indictment in a prosecution, inter alia, under Section 3(1)(x) of the S.C/S.T Prevention of Atrocities Act. The case has been committed to the Court of Session. Consequent to his non appearance, a warrant of arrest has been issued against the petitioner. The petitioner now wants to surrender before the learned Sessions Judge before whom the case is pending after committal. He apprehends that his application for bail may not be considered by the learned Sessions Judge on merits, in accordance with law and expeditiously. He therefore prays that appropriate directions may be issued under Section 482 Cr.P.C.

2. It is for the petitioner to appear before the learned Sessions Judge and explain to the learned Judge the circumstances under which he could not earlier appear before the learned Judge. I have no reason to assume that the learned Judge would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. This Crl.M.C is, in these circumstances, dismissed. But with the specific observation that if the petitioner appears before the learned Sessions Judge and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Judge must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

4. Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-